

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

**IN RE: NATIONAL PRESCRIPTION
OPIATE LITIGATION**

MDL No. 2804

This document relates to:
*The County of Summit, Ohio, et al. v. Purdue
Pharma L.P., et al.*
Case No. 18-op-45090

Hon. Dan Aaron Polster

**MOTION FOR LEAVE TO FILE MOTION
TO CERTIFY QUESTIONS OF LAW TO THE OHIO SUPREME COURT**

Defendants AmerisourceBergen Drug Corporation, Cardinal Health, Inc., and McKesson Corporation (collectively, “Distributors”) request leave to file a Motion to Certify Questions of Law to the Ohio Supreme Court, attached as Exhibit 1. Pursuant to CMO-1 § 6(g), Dkt. 232, the Court has placed a moratorium on filing motions that are not expressly authorized absent further Order of this Court. Distributors thus request leave to file the attached Motion.

The attached Motion seeks certification of questions of law raised in Distributors’ motion to dismiss the *Summit County* complaint, ruled on by Magistrate Judge Ruiz in the October 5, 2018 Report and Recommendation, and raised in Distributors’ Objections to that Report and Recommendation, filed contemporaneously herewith. Distributors must seek certification now, before this Court answers the questions at issue. *Antioch Co. Litig. Tr. v. Morgan*, 633 F. App’x 296, 304 (6th Cir. 2015).

Distributors therefore respectfully request that this Court grant Distributors’ leave to file the attached Motion.

Dated: November 2, 2018

Respectfully submitted,

/s/ Robert A. Nicholas

Robert A. Nicholas
Shannon E. McClure
REED SMITH LLP
Three Logan Square
1717 Arch Street, Suite 3100
Philadelphia, PA 19103
Tel: (215) 851-8100
Fax: (215) 851-1420
rnickolas@reedsmith.com
smcclure@reedsmith.com

Counsel for AmerisourceBergen Drug Corporation

/s/ Geoffrey Hobart

Geoffrey Hobart
Mark Lynch
Christian Pistilli
COVINGTON & BURLING LLP
One CityCenter
850 Tenth Street NW
Washington, DC 20001
Tel: (202) 662-5281
ghobart@cov.com
mlynch@cov.com
cpistilli@cov.com

Counsel for McKesson Corporation

/s/ Enu Mainigi

Enu Mainigi
F. Lane Heard III
Steven M. Pyser
Ashley W. Hardin
WILLIAMS & CONNOLLY LLP
725 Twelfth Street, NW
Washington, DC 20005
Tel: (202) 434-5000
Fax: (202) 434-5029
EMainigi@wc.com
lheard@wc.com
spyser@wc.com
ahardin@wc.com

Counsel for Cardinal Health, Inc.

CERTIFICATE OF SERVICE

I, Ashley W. Hardin, hereby certify that the foregoing document and supporting papers were served via the Court's ECF system to all counsel of record.

/s/ Ashley W. Hardin
Ashley W. Hardin